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SUBJECT: EL SALVADOR'S PROGRESS TOWARDS COMPLIANCE WITH THE
CARTAGENA PROTOCOL ON BIOSAFETY

REF: A) STATE 34706; B) 2005 SAN SALVADOR 000295

¶1. Summary. The GOES is slowly moving to comply with the Cartagena Protocol on Biosafety and improve the environment for the use of biotechnology. A new law governing the safe management of genetically modified organisms has been under review for four months by the Technical Secretary of the Presidency of the Republic. In keeping with commitments under the Central American Free Trade Agreement (CAFTA-DR) to ratify international agreements related to biotechnology, on March 1st El Salvador ratified the Patent Cooperation Treaty (1970) and the Budapest Treaty for the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1980). The private organization most interested in developing biotechnology in El Salvador is FIAGRO. End Summary.

¶2. In December 2004, the Ministry of the Environment and Natural Resources (MARN) sent a draft law "Special Regulation of Measures to Ensure the Safe Management of Genetically Modified Organisms in El Salvador" to the Office of President Saca for its approval. This law establishes mechanisms to implement Articles 11, 12, 13, 19 and 20 of the Cartagena Protocol related to incentives for conservation and sustainable use of biodiversity; research, training and public awareness; and the safe transfer and handling of biological resources. The regulation also establishes MARN as the competent authority and focal point for management of genetic resources in coordination with the Ministry of Agriculture (MAG) and the Ministry of Health (MSPAS)(ref b). The Technical Secretary to the President is reviewing the draft law and will send it to the Legislative Assembly for approval. According to Ernesto Lopez Zepeda, Director General of Natural Heritage at MARN, it is unclear when the Technical Secretary will complete its review. Implementation of the law will improve biotechnology security levels in El Salvador through the safer management of genetically modified organisms.

¶3. The Central American Free Trade Agreement (CAFTA-DR) entered into force between El Salvador and the United States on March 1, 2006 and contains several obligations related to biotechnology. To comply with CAFTA-DR, on March 1, 2006 the Legislative Assembly of El Salvador ratified the Patent Cooperation Treaty (1970) and the Budapest Treaty on the International Recognition of the Deposit of Microorganism for the Purposes of Patent Procedure (1980). These two treaties will become law when published in the official gazette, within several weeks according to a contact at the Ministry of Economy. After publication, the instruments of ratification will be sent to the official depository agency, the World Intellectual Property Organization (WIPO). To comply with CAFTA-DR, El Salvador should also make all

reasonable efforts to ratify or accede to the Patent Law Treaty (2000).

¶4. Another player involved with biotechnology in El Salvador is the Foundation for Agricultural Technological Innovation (FIAGRO). FIAGRO is a non-profit, private foundation, whose main objective is to make access to advanced technologies easier. FIAGRO has shown a strong interest in promoting new legislation and the use of biotechnology in El Salvador, and has already contacted the Ministry of Agriculture about developing a Biotechnology Institutional Policy, performing a study of national biotechnology use, improving current regulations and providing training. FIAGRO approached the Embassy in search of financing for this project; Post is interested in FIAGRO's ideas and may encourage FIAGRO to present a more formal proposal later this year for possible USG funding.

¶5. Comment: MARN has taken the lead in the creation and implementation of new biotechnology legislation. However, the review process with the Technical Secretary and the ratification by the Legislative Assembly can take some time, particularly if there are no pressures to do so, such as CAFTA-DR compliance. El Salvador has complied with CAFTA-DR by ratifying some legislation, but biotechnology laws that are not integral to high profile agreements like CAFTA-DR such as the Special Regulation of Measures to Ensure the Safe Management of Genetically Modified Organisms in El Salvador appear to be low priority. End Comment.

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